

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**EASTMOOR ESTATES RESIDENTS  
ASSOCIATION, ET AL.**

**VS.**

**CIVIL ACTION NO. 4:10CV144-NBB-JMV**

**GLENN MILLER, ET AL.**

***CONSOLIDATED WITH***

**SOUTHERN FIRE AND CASUALTY COMPANY**

**VS.**

**CIVIL ACTION NO. 4:11CV34-GHD-JMV**

**GLENN MILLER, ET AL.**

**ORDER CONSOLIDATING CASES AND  
GOVERNING CERTAIN DISCOVERY**

Consistent with the court's oral ruling during a telephonic hearing held in *Southern Fire and Casualty Company v. Miller*, Cause No. 4:11cv00034-GHD-JMV ("Southern Fire"), it is

**ORDERED:**

1. That the Motion for Protective Order (Doc. 81) filed by Emma Bush, Eastmoor Estates Residents' Association, Rosland Love, and Lagwunda Pam (collectively "Eastmoor Defendants") in the *Southern Fire* matter is DENIED for the reasons announced by the court on the record.
2. That the *Southern Fire* matter is hereby *sua sponte* consolidated for all purposes, including trial,<sup>1</sup> with *Eastmoor Estates Residents' Association, et al. v. Glenn Miller, et al.*,

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<sup>1</sup>The current trial setting for these consolidated cases is 2/25/13, and the pretrial conference is scheduled for 1/22/13 (Doc. 291).

Cause No. 4:10cv144-NBB-JMV (“*Eastmoor*”). However, the parties to the *Southern Fire* action are hereby advised that said action will continue in accordance with the pretrial deadlines previously established in that separate action.<sup>2</sup>

3. That the *Eastmoor* matter is hereby designated as the lead case, and all filings shall be made in the lead case only.

4. That with regard to discovery in the *Southern Fire* matter, Southern Fire had previously propounded discovery to the Eastmoor Defendants, who responded entirely with objections. And, though Southern Fire has filed a Motion to Compel (Doc. 94) complete responses to that discovery, counsel for Southern Fire has represented that the motion will be withdrawn. As such, counsel for Southern Fire and the Eastmoor Defendants shall on or before March 30, 2012, meet and confer in person regarding each discovery request which is the subject of Southern Fire’s Motion to Compel (Doc. 94). Counsel for said parties will work to resolve any issues to the extent they are reasonably and professionally able to do so. Counsel for said parties will also meet and confer for purposes of identifying any written discovery propounded in the *Eastmoor* and *Southern Fire* matters that is duplicative. A particular discovery request need be answered only once by the responding party. Accordingly, the responding party may answer any duplicative discovery request by making specific reference to the prior request and its response.

5. That the Eastmoor Defendants shall have until April 13, 2012, to fully respond to Southern Fire’s discovery requests— except, of course, those to which they object, despite having

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<sup>2</sup>Plaintiff’s designation of experts is due by 3/29/12. Defendants’ designation of experts is due by 4/30/12. Discovery shall be completed by 5/16/12. Dispositive motions shall be filed by 6/1/12.

made a good faith effort to resolve any dispute during the conference.

6. That Southern Fire shall have 14 days from service of the Eastmoor Defendants' responses to renew its motion to compel. Southern Fire is hereby advised the motion must be in strict compliance with L. U. CIV. R. 37(b), and that a motion in any other format may be summarily denied.

7. That the court recognizes that with regard to the *Southern Fire* deadlines, there is ample time between the dispositive motions deadline (6/1/12) and the February 25, 2013 trial setting. Accordingly, the court will entertain any reasonable requests for extensions of the *Southern Fire* deadlines.

8. That with respect to depositions **in these consolidated cases**, all depositions shall be noticed to all parties. A party who fails to participate in a duly noticed deposition may not later notice the same deposition.

9. That each party should remain mindful of those deadlines applicable to that party. For example, parties in the *Southern Fire* matter shall not engage in discovery, including depositions, related to that action past May 16, 2012, unless an extension is granted.

SO ORDERED this, the 20<sup>th</sup> day of March, 2012.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE